



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**

(Implements RCW 34.05.310)

Do NOT use for expedited rule making

**Agency:** Department of Social and Health Services, Aging and Disability Services Administration

**Subject of possible rule making:**

Adding and amending sections within Chapter 388-106 WAC, Long-Term Care Services.

**Statutes authorizing the agency to adopt rules on this subject:**

RCW 74.08.090; RCW 74.09.520

**Reasons why rules on this subject may be needed and what they might accomplish:**

This rule-making:

1. Amends the age guidelines and clinical complexity classifications, within the Comprehensive Assessment Reporting Evaluation (CARE) tool algorithm, to evaluate a child's needs when the child is comatose or has pain daily related to his/her disability. The algorithm within the CARE tool used to establish children's eligibility for personal care services was developed based upon self-performance codes, taking into account normal childhood milestones and typical care parents provide to their children at certain ages. For example, a child who has pain daily as a result of teething, a normal childhood milestone not related to a disability, should not be placed in a clinically complex classification based solely on teething pain. This rule-making further clarifies and strengthens these guidelines to avoid placing children in incorrect classifications.
2. Clarifies eligibility language for Medicaid Personal Care (MPC) and waiver services to ensure that a client has unmet or partially met needs that make the client eligible for assistance with personal care tasks.
3. Clarifies that clients will be assessed by the department's CARE tool when applying for or receiving long-term care services as part of the WMIP and MMIP programs.

Other policy changes that arise during this rule-making may be incorporated into this rule making. Other WAC chapters may need to be updated as a result of this rule-making.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:**

N/A

**Process for developing new rule (check all that apply):**

- ☐ Negotiated rule making  
☐ Pilot rule making  
☐ Agency study  
☒ Other (describe)

DSHS welcomes the public to take part in developing these rules. Draft material and information about how to participate may be obtained from the department representative listed below. At a later date, DSHS will file the proposed rules with the Office of Code Reviser with a notice of proposed rule making and send the proposal to everyone currently on the mailing list and anyone else who requests a copy.

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.) Contact:

Kristi Knudsen

P.O. Box 45600

Olympia, WA 98504

Phone: 360-725-3213

Fax: 360-438-8633

TTY: 360-493-2637

E-mail: [knudskl@dshs.wa.gov](mailto:knudskl@dshs.wa.gov)

**DATE**

October 27, 2006

**NAME (TYPE OR PRINT)**

Andy Fernando

**SIGNATURE**

**TITLE**

Manager, Rules and Policies Assistance Unit

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